

Remarks

Claims 36-61 are pending in the subject application. Applicant hereby reaffirms the election to prosecute PD-1 as the species, with traverse. By way of this amendment, claims 62-66 have been added (support for the new claims may be found, for example, in original claims 19-24 of the as-filed PCT application). Claims 36-61 have been canceled. Accordingly, claims 62-66 are currently before the Examiner and read on the elected invention. Favorable consideration of the pending claims is respectfully requested.

As the Examiner is aware, this application is a national stage application and is subject to the unity of invention rules for restriction. The principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. The basic principle is that an application should relate to only one invention or, if there is more than one invention, that applicant would have a right to include in a single application only those inventions which are so linked as to form a single general inventive concept. Additionally, a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression “special technical feature” is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

In this instance, Applicant respectfully traverses the requirement for an election of species with respect to the elected group. The Office Action appears to set forth a rationale typically applied for the restriction of applications filed under 35 U.S.C. 111(a) and this rationale fails to meet the requirements for establishing that the claimed invention lacks unity. Additionally, Applicant respectfully submits that the “special technical feature” of the claimed invention relates to ability to produce superagonistic antibodies to receptors having tyrosine residues in their cytoplasmic domains that are phosphorylated by “extrinsic” tyrosine kinases (as opposed to the “intrinsic” kinases associated with growth factor receptors). Applicant respectfully submits that the articulated rationale for requiring an election of species in this matter is insufficient for a finding that the presently

claimed invention lacks unity. Accordingly reconsideration and withdrawal of the requirement for an election of species is respectfully requested.

Applicant believes that the pending claims are in condition for allowance and such action is respectfully requested.

Applicant invites the Examiner to call the undersigned if clarification is needed or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Respectfully submitted,

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